

Message Text

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ACTION OES-04

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E.O. 11652: N/A

TAGS: PARM, TECH

SUBJECT: PHYSICAL PROTECTION OF NUCLEAR MATERIAL AND FACILITIES

REF: (A) IAEA VIENNA 8130; (B) IAEA VIENNA 8196

1. SUMMARY. IAEA SECRETARIAT HAS COMPLETED ROUND OF INFORMAL CONSULTATIONS WITH MANY MEMBER STATES. RESULT IS LARGE DEGREE OF COMMON VIEW ON FOLLOWING TWO POINTS: SOME INTERNATIONAL COMMITMENTS ON PHYSICAL PROTECTION ARE DESIRABLE AND SHOULD BE CONSUMATED AT AN EARLY DATE; AND FORMAL CONVENTION OF ANY SCOPE, WHICH MUST BE RATIFIED BY NATIONAL PARLIAMENTS, WOULD ALMOST CERTAINLY TAKE SOME YEARS TO BECOME EFFECTIVE. THUS, THERE IS INTEREST IN INTERIM MEASURES, WHILE MOVING TOWARD CONVENTION. END SUMMARY.

2. MISSION HAS FURTHER DISCUSSED SUBJECT WITH MACGIBBON, DIRECTOR OF LEGAL DIVISION, TOGETHER WITH MORAWIECKI OF DDG HALL'S OFFICE AND UNGER OF LEGAL STAFF. MORAWIECKI HAS PREPARED DRAFT "PLAN OF ACTION" FOR IAEA FOR IMPLEMENTING PROVISIONS OF GENERAL CONFERENCE RESOLUTION ON PHYSICAL PROTECTION, LIMITED OFFICIAL USE

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(REF A AND B), REFLECTING VIEWS EXPRESSED IN STATEMENTS

OF MEMBER STATES AT NPT REVIEW CONFERENCE AND AT GENERAL CONFERENCE, AND PARTICULARLY REFLECTING US INTEREST IN CONVENTION. (DRAFT PLAN OF ACTION POUCHED TO PM, OES, ERDA, AND ACDA). IN ADDITION, MACGIBBON AND MORAWIECKI HAVE INFORMALLY DISCUSSED WITH LARGE NUMBEIHFF MEMBER STATES PRELIMINARY VIEWS ON SUBJECT OF INTERNATIONAL UNDERTAKINGS ON PHYSICAL PROTECTION.

3. MORAWIECKI DRAFT "PLAN OF ACTION" OUTLINES ACTIONS, IN ACCORDANCE GEN CONF RES TO FURTHER UPDATE INFCIRC/225 (RECOMMENDATIONS OF PHYSICAL SECURITY), TO ASSIST MEMBER STATES, AND TO FACILITATE INTERNATIONAL COOPERATION IN PHYSICAL PROTECTION FIELD. IN LATTER AREA, IT SUGGESTS MEETING OF SPONSORS OF GEN CONF RES, CONSULTATION WITH OTHER INTERESTED INTERNATIONAL ORGANIZATIONS, STUDY OF INTERNATIONAL REGULATIONS ON NUCLEAR TRANSPORT, PREPARATION BY END OF 1976 OF DRAFT CONVENTION ON PROTECTION OF NUCLEAR MATERIAL IN TRANSPORT, AND SET-UP OF PREPARATORY COMMISSION TO LEAD TO LEAD TO CONFERENCE ON SUCH CONVENTION IN 1977-78. EXCLUSIVE FOCUS ON TRANSPORT REFLECTS GENERAL VIEW OF MEMBERS THAT BROADER FORMAL CONVENTION WOULD BE MORE DIFFICULT TO ACHIEVE.

4. IN INFORMAL CONSULTATIONS, AGENCY FINDS THAT MANY MEMBERS ARE INTERESTED IN EARLY ACTION, OF SOME KIND, ON INTERNATIONAL UNDERTAKINGS ON PHYSICAL PROTECTION. HOWEVER, THEY ALSO FIND THAT MANY STATES FEEL THAT A FORMAL CONVENTION, WITH ATTENDANT NEED FOR PREPARATION AND PARLIAMENTARY RATIFICATION, COULD TAKE YEARS TO BE NEGOTIATED AND COME INTO EFFECT. THUS, THERE IS CONSIDERABLE INTEREST IN OTHER STEPS WHICH COULD BE TAKEN IN NEAR TERM. THERE IS ALSO GENERAL VIEW THAT NO UNDERTAKING TO ACCEPT SUBSTANTIAL INTERNATIONAL VERIFICATION OF PHYSICAL PROTECTION MEASURES WILL BE FEASIBLE.

5. THE SORT OF SCENARIO WHICH MACGIBBON GEELS MIGHT BE USEFUL IN NEAR TERM IS CONSULTATIONS AMONG INTERESTED STATES, FOLLOWED BY SIMULTANEOUS AND IDENTICAL PUBLIC LIMITED OFFICIAL USE

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DECLARATIONS OF POLICY ON PHYSICAL PROTECTION BY THOSE WHO HAVE REACHED COMMON VIEW. THIS APPROACH IS MODELED AFTER THE "ZANGGER COMMITTEE" PROCEDURE.

6. IN DISCUSSION SUCH SCENARIO, FOLLOWING POINTS EMERGED:

A. UNDERTAKINGS DEALING WITH PHYSICAL PROTECTION

DURING TRANSPORT ARE EXPECTED TO BE AWKWARD TO DRAFT IN CONTEXT OF UNILATERAL DECLARATION; FORMAL CONVENTION MAY THUS BE NECESSARY, IN ANY CASE, TO COVER THAT ASPECT.

B. IF COORDINATED UNILATERAL DECLARATIONS ARE UTILIZED, THEY SHOULD BE AS BROAD IN SCOPE AS POSSIBLE, COVERING DOMESTIC (INTERNAL) PRACTICES, COOPERATION IN APPREHENDING PERPETRATORS, RECOVERY OF MATERIAL AND EVEN SUCH ASPECTS OF INTERNATIONAL TRANSPORT AS E.G., INTENT TO UTILIZE FOR INTERNATIONAL TRANSPORT ONLY CARRIERS REGISTERED WITH GOVERNMENTS ADOPTING IDENTICAL POLICIES.

C. BROADEST POSSIBLE PARTICIPATION IN UNILATERAL DECLARATIONS SHOULD BE SOUGHT.

D. COORDINATED UNILATERAL DECLARATIONS WILL NOT PREJUDICE LATER INCORPORATION OF SOME (OR ALL) FEATURES IN FORMAL CONVENTION.

E. UNILATERAL DECLARATIONS SHOULD, AS MINIMUM, INCORPORATE INFCIRC/225 BUT ATTEMPT SHOULD BE MADE TO SPECIFY ADDITIONAL DETAILS BEYOND GENERAL FORMULATIONS IN THAT DOCUMENT. (SOME MEMBER STATES REPORTEDLY ARE NOT RPT NOT ENTIRELY HAPPY WITH INFCIRC/225; ACCORDINGLY, MORAWIECK8 "PLAN OF ACTION" CALLS FOR BEGINNING PROCESS OF "UP-DATING" AMOST IMMEDIATELY. WHETHER THIS WOULD BE IN BEST INTEREST OF EARLY ACTION ON COORDINATED UNILATERAL DECLARATIONS WOULD HAVE TO BE CONSIDERED).

F. DRAFTING OF POSSIBLE UNILATERAL DECLARATION LIMITED OFFICIAL USE

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SHOULD BE UNDERTAKEN SOON (SECRETARIAT IS WILLING TO ASSIST) IN ORDER TO DETERMINE FEASIBILITY OF INCLUSION CERTAIN ASPECTS, SUCH AS INTERNATIONAL TRANSPORT.

7. MISOFFS UNDERTOOK TO REPORT DISCUSSION AND TO MAINTAIN CONTACT WITH MACGIBBON ON PLANS OF USG, AS MISSION IS INFORMED.

8. ADVISE.LABOWITZ

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